

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Jerry Dean Cutshall,)	C.A. No. 9:06-1052-PMD
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
Michael J. Astrue,)	
Commissioner of Social Security,)	
)	
Defendant.)	
)	

This social security case is before the Court upon the magistrate judge's recommendation that the final decision of the Commissioner of Social Security (the "Commissioner") to deny the plaintiff's request for disability insurance benefits and Supplemental Security Income be remanded to the Commissioner. The record includes a report and recommendation of the United States Magistrate Judge made in accordance with this Court's Order of Reference and 28 U.S.C. § 636(b)(1)(B).

This Court is charged with conducting a de novo review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal conclusions of the magistrate judge. Thomas v. Arn, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. United States v. Schronce, 727 F.2d 91 (4th Cir. 1984). No objections have been filed

to the magistrate judge's report.¹

A review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. Accordingly, the magistrate judge's report is incorporated into this Order. For the reasons articulated by the magistrate judge, the Commissioner's decision is **vacated**, and the instant action is hereby **remanded** under sentence four of 42 U.S.C. Sections 405(g) to the Commissioner for further proceedings.

AND IT IS SO ORDERED.

Charleston, South Carolina
May 23, 2007



PATRICK MICHAEL DUFFY
United States District Judge

¹The court was advised by defendant on May 18, 2007, that he would not be filing objections to the report and recommendation.